

July 29, 2026

The Honorable Chief Justice Debra L. Stephens and Associate Justices
Washington Supreme Court
Temple of Justice
Olympia, WA 98504

Re: Request for Diploma Privilege Following the Cancellation of the July 2026 Washington Bar Examination

Dear Chief Justice Stephens and Justices:

I write on behalf of Gonzaga University School of Law and our graduates who traveled to Yakima prepared to sit for the July 2026 Washington Bar Examination. Like Dean Tamara Lawson of the University of Washington School of Law and Dean Anthony E. Varona of Seattle University School of Law, I respectfully urge the Court to grant diploma privilege to those applicants whose opportunity to complete the July examination was lost through no fault of their own.

The Washington State Bar Association has apologized and has offered applicants three options: a make-up examination in Tacoma on September 1 and 2, postponement until the February 2027 administration, or withdrawal with a refund of certain fees. While I appreciate the Bar's efforts to respond under extraordinarily difficult circumstances, those alternatives cannot remedy what occurred in Yakima. More importantly, they cannot fully restore the fairness and integrity of the licensing process.

For months, our graduates devoted themselves to preparing for this examination. They arranged employment, housing, travel, childcare, family obligations, and financial commitments around these dates. They appeared on time, prepared to demonstrate the minimum competency required for admission to the practice of law.

Instead, they spent six to seven hours waiting through repeated technological failures, conflicting instructions, and mounting uncertainty before ultimately being told they would not be permitted to complete the examination they had spent months preparing to take.

The student accounts we received are remarkably consistent. Attached as **Appendix A** is a compilation of representative, anonymized statements from Gonzaga graduates who were present in Yakima. Their accounts describe profound emotional and physical distress, significant financial hardship, disruption of employment and family obligations, and the widespread belief that no later examination can recreate the circumstances under which they prepared for the July administration.

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One graduate wrote:

“I woke up at 4:30 a.m. this morning excited and anxious to take the bar exam... I feel completely depleted, both physically and emotionally. I feel completely thrown off my game and sick to my stomach. At this point, I am no longer in a good head space for such an intense exam.”

Another described the atmosphere inside the testing center:

“Today was beyond traumatizing. People were yelling, crying, throwing up. How are we expected to perform our best in this situation?”

Many graduates must now incur additional expenses to travel to Tacoma rather than Yakima for the proposed September examination. Others must postpone moves, delay employment, cancel previously scheduled travel, or continue living without an attorney's salary while extending months of intensive preparation. Several explained that they have exhausted their savings while studying for the examination and cannot absorb another month of living expenses or another delay in licensure.

I also ask the Court to consider two broader concerns.

First, because applicants receiving testing accommodations were generally able to complete the examination while nearly all other applicants could not, similarly situated graduates have been placed on markedly different paths through no fault of their own. I do not suggest that accommodated applicants should have been denied the opportunity to complete the examination. Rather, this unfortunate circumstance underscores the inequity created by the technological failure itself. One group has completed the licensing process, while another must continue preparing for weeks, incur additional expense, or substantially delay admission to practice.

Second, several graduates expressed concern that examination content may have become publicly available during the lengthy delays. Whether these reports ultimately prove accurate is not the point. The perception that examination content may have circulated publicly before the examination concluded raises legitimate concerns regarding the integrity and fairness of any continued administration of the examination. As one graduate observed:

“Questions and answers from today's sections of the Bar were posted to Reddit. I don't see how we can proceed with administering this exam in a manner consistent with the ethics of this profession.”

The central question before the Court is not whether the Washington State Bar Association acted in good faith after the technology failed. I believe it did. The question is who should bear the consequences of this unprecedented failure.

It should not be our graduates.

They fulfilled every obligation placed upon them. They completed rigorous legal education at ABA-accredited law schools. They devoted months to preparing for the examination. They appeared on time, ready to demonstrate their competence. The failure was not theirs.

No examination administered weeks later can recreate the mental, physical, and emotional conditions under which these graduates prepared for the July administration. Nor can a refund compensate for delayed careers, postponed licensure, disrupted employment, additional financial burdens, or the loss of confidence in the fairness of the examination process itself.

Nor is diploma privilege itself a complete remedy. Unlike successful completion of the Uniform Bar Examination or the NextGen Bar Examination, diploma privilege does not provide our graduates with a portable examination score that may facilitate admission in other jurisdictions. In that respect, diploma privilege asks these graduates to surrender an opportunity they otherwise expected to have. It is therefore not a windfall or a gift. It is simply the fairest available remedy under circumstances in which no remedy can fully restore what was lost.

Diploma privilege is therefore not a request for special treatment. Rather, it is an equitable remedy tailored to extraordinary circumstances—circumstances created entirely by the failure of the examination process, not by any failure on the part of the applicants.

The Washington Supreme Court bears the ultimate responsibility for ensuring that admission to the practice of law is fair, reliable, and worthy of public confidence. In these extraordinary circumstances, I respectfully submit that diploma privilege is the only remedy that restores that fairness and ensures that the burden of this unprecedented administrative failure falls on the institutions responsible for administering the examination, rather than on the graduates who fulfilled every obligation asked of them.

Finally, regardless of the remedy the Court adopts, I respectfully ask that the Court direct a thorough and transparent review of the events surrounding the July 2026 bar examination by convening a public hearing. The graduates of this state, the legal profession, future applicants, and the public deserve a clear understanding of what occurred, why the examination process failed, and what steps will be taken to prevent a recurrence. Such transparency will be essential to restoring confidence in Washington's attorney licensing process.

Thank you for your thoughtful consideration of this request.
Respectfully,



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Appendix A

Representative Statements from Twenty-Four Gonzaga University School of Law Graduates Regarding the July 2026 Washington Bar Examination

The following excerpts are taken from written statements submitted by Gonzaga University School of Law graduates who were present at the July 2026 Washington Bar Examination in Yakima.

Most of these statements were submitted on July 28, immediately following the technological failure and *before* applicants learned that the remainder of the July administration would ultimately be cancelled. Accordingly, several comments refer to expectations of returning the following day. Those statements accurately reflect the uncertainty applicants experienced at the time they wrote them. Additional graduates continue to submit comments.

Although each graduate's circumstances differ, the consistency of the themes is striking.

I. Emotional and Physical Impact

"I woke up at 4:30 a.m. this morning excited and anxious to take the bar exam... I feel completely depleted, both physically and emotionally. I feel completely thrown off my game and sick to my stomach. At this point, I am no longer in a good head space for such an intense exam."

"Today was beyond traumatizing. People were yelling, crying, throwing up. How are we expected to perform our best in this situation? Even tomorrow, how are we expected to show back up after today and perform our best?"

"Today was one of the most stressful days of my life. My job is contingent on passing the bar exam. I walked into the exam excited for the opportunity to demonstrate everything I had worked so hard to learn."

"I experienced acid reflux due to stress. I witnessed multiple people around me crying openly and was driven to tears myself."

"I am exhausted, mentally and emotionally. I finished 100% of my Barbri course. I did extra practice exams. I was ready and prepared for this. Now, I am nervous that I will not pass."

Common Theme

Graduates consistently described arriving fully prepared after months of study only to spend six to seven hours experiencing repeated technological failures, uncertainty, and escalating emotional distress before leaving without completing the examination.

II. Employment, Licensure, and Life Disruption

"I have a contingent job offer on passing the Bar. I can't do any of the options provided."

“Postponing until February is not a realistic solution. It would require putting our professional lives on hold for another seven months.”

“My job is contingent on me passing the bar exam. Even if my employer keeps me on as an intern, my salary will be significantly less and not capable of supporting me.”

“Many of us have planned our lives around these two dates. I have to pack, move, and begin work at a law firm within the next two weeks.”

“My loans begin in November. I have to start working sooner rather than later or my family cannot afford to live.”

Common Theme

Graduates repeatedly explained that postponement affects far more than the examination itself. It delays employment, licensure, relocation, financial stability, and the ability to begin practicing law after completing legal education.

III. Financial Hardship

“I am struggling to make ends meet as it is. Another hotel night—or another examination—is extremely concerning.”

“Nobody today cared that I somehow had to find another \$190 for a hotel room.”

“Because of this delay, I now have to pay for another night of Airbnb accommodations and extend my stay.”

“I had to pay an additional \$350 for another hotel room. I know many of my peers have flights that will need to be cancelled.”

“I am now out the cost of another hotel, a flight to Spain that will cost hundreds if not thousands to reschedule, and I still don't know if my testing software will even let me log back in.”

Common Theme

Many graduates described exhausting their savings while preparing for the examination and now facing additional lodging, travel, meal, and transportation expenses for a second examination through no fault of their own.

IV. Why a Later Examination Cannot Fully Remedy the Harm

Several graduates wrote these comments while they still believed they would be returning the following day. Even then, many questioned whether they could regain the mental focus and confidence they had developed through months of preparation.

“The hardest part was gearing up mentally and physically for several different attempts to start the exam, only to find the same technology issues over and over.”

“I seriously doubt they will resolve these issues overnight, which makes it difficult to hype myself for this exam again.”

“I have put everything I have into studying for this, and this is how it has gone.”

“I feel like I took an exam anyway because of the stress.”

Common Theme

Whether discussing a retake the following day or weeks later, graduates repeatedly expressed the belief that once the emotional, mental, and physical preparation for the July administration had been disrupted, it could not simply be recreated.

V. Fairness and Integrity Concerns

Several graduates expressed concern that, during the lengthy delays, examination content may have become publicly available and that applicants had access to notes, electronic devices, and outside information before the examination concluded. Whether every report ultimately proves accurate is not the point. The perception that examination content may have circulated publicly before completion of the administration raises serious concerns regarding the integrity and fairness of any continued administration of the examination.

“Questions and answers from today's sections of the Bar were posted to Reddit. I don't see how we can proceed with administering this exam in a manner consistent with the ethics of this profession.”

“People in the main room went in and out of the room, had access to their notes, and wrote things on their scratch paper. I worry that the integrity of the exam has been compromised.”

“The option to leave, receive a refund, and take the February bar seemed extremely unfair and insensitive.”

“The constant changes in instructions and lack of any contingency plan made an already stressful day significantly worse.”

Overall Observation

Although these statements come from twenty-four different Gonzaga graduates, they tell a remarkably consistent story. The graduates describe:

- months of disciplined preparation;
- arriving ready to demonstrate their competency;
- six to seven hours of repeated technological failures and uncertainty;
- significant emotional and physical distress;
- substantial financial losses;
- disruption of employment, relocation, and family plans;
- concerns regarding the fairness and integrity of the examination process; and
- the belief that the opportunity lost on July 28, 2026, cannot be fully restored by a later administration of the examination.